

EXHIBIT 27

Daniel L. Clarke-Pearson, M.D.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

-----X

IN RE: JOHNSON & JOHNSON

TALCUM POWDER PRODUCTS

MARKETING, SALES PRACTICES,

AND PRODUCTS LIABILITY

LITIGATION

MDL No.:

16-2738 (FLW) (LHG)

-----X

ORAL AND VIDEOTAPED DEPOSITION OF
DANIEL L. CLARKE-PEARSON, M.D.

MONDAY, FEBRUARY 4, 2019

9:03 A.M.

Taken by the Defendants
at The Carolina Inn
211 Pittsboro Street
Chapel Hill, North Carolina 27516

- - -

Reported by Sophie Brock, RPR, RMR, RDR, CRR

- - -

GOLKOW LITIGATION SERVICES
877.370.3377 ph | 917.591.5672 fax
deps@golkow.com

Daniel L. Clarke-Pearson, M.D.

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<p>1 APPEARANCES</p> <p>2 ON BEHALF OF THE PLAINTIFFS:</p> <p>3 BEASLEY, ALLEN, CROW, METHVIN,</p> <p>4 PORTIS & MILES, P.C.</p> <p>218 Commerce Street</p> <p>Montgomery, Alabama 36104</p> <p>5 Telephone: (334) 269-2343</p> <p>By: LEIGH O'DELL, ESQ.</p> <p>6 leigh.odell@beasleyallen.com</p> <p>MARGARET THOMPSON, MD, JD, MPAff</p> <p>7 margaret.thompson@beasleyallen.com</p> <p>8 - and -</p> <p>9 BLOOD, HURST & O'REARDON, LLP</p> <p>501 West Broadway, Suite 1490</p> <p>10 San Diego, California 92101</p> <p>Telephone: (619) 338-1100</p> <p>By: PAULA R. BROWN, ESQ.</p> <p>pbrown@bholaw.com</p> <p>12 ON BEHALF OF THE DEFENDANT</p> <p>13 JOHNSON & JOHNSON:</p> <p>14 TUCKER ELLIS, LLP</p> <p>15 515 South Flower Street</p> <p>Forty-Second Floor</p> <p>16 Los Angeles, California 90071</p> <p>Telephone: (213) 430-3301</p> <p>By: MICHAEL C. ZELLERS, ESQ.</p> <p>17 michael.zellers@tuckerellis.com</p> <p>18 - and -</p> <p>19 DRINKER BIDDLE & REATH, LLP</p> <p>20 600 Campus Drive</p> <p>Florham Park, New Jersey 07932-1047</p> <p>21 Telephone: (973) 549-7164</p> <p>By: JESSICA L. BRENNAN, ESQ.</p> <p>22 jessica.brennan@dbi.com</p>	<p>1 INDEX OF EXAMINATIONS</p> <p>2 PAGE</p> <p>3 BY MR. ZELLERS 9, 345</p> <p>4 BY MS. BOCKUS 308, 345</p> <p>5 BY MR. MIZAGALA 341</p> <p>6 BY MS. O'DELL 343</p> <p>7</p> <p>8 INDEX OF EXHIBITS</p> <p>9 NUMBER DESCRIPTION MARKED</p> <p>10 Exhibit 1 Notice of Deposition of 11</p> <p>Daniel L. Clarke-Pearson</p> <p>11</p> <p>Exhibit 2 Invoice from UNC School of 16</p> <p>12 Medicine to Beasley Allen Law</p> <p>Firm, dated January 4, 2019</p> <p>13</p> <p>Exhibit 3 Dr. Clarke-Pearson's list of 26</p> <p>14 medicolegal cases in the past</p> <p>five years</p> <p>15</p> <p>Exhibit 4 Exhibit C: 26</p> <p>16 Daniel Clarke-Pearson, MD,</p> <p>Prior Testimony</p> <p>17</p> <p>Exhibit 5 Rule 26 Expert Report of 30</p> <p>18 Daniel L. Clarke-Pearson, MD</p> <p>19 Exhibit 6 Exhibit B: Listing of additional 33</p> <p>materials considered</p> <p>20</p> <p>Exhibit 7 Article titled "Epidemiology of 36</p> <p>21 Commonly Used Statistical Terms</p> <p>and Analysis of Clinical</p> <p>22 Studies," by Wendy R. Brewster,</p> <p>MD, PhD</p> <p>23</p> <p>Exhibit 8 UpToDate reprint of article 36</p> <p>24 titled "Evidence-based medicine,"</p> <p>authored by Arthur T. Evans, MD,</p> <p>25 MPH, and Gregory Mints, MD, FACP</p>
Page 3	Page 5
<p>1 APPEARANCES (Continued)</p> <p>2 ON BEHALF OF THE DEFENDANT</p> <p>IMERYS TALC AMERICA, INC.:</p> <p>3</p> <p>4 DYKEMA GOSSETT, PLLC</p> <p>112 E. Pecan Street, Suite 1800</p> <p>San Antonio, Texas 78205</p> <p>5 Telephone: (210) 554-5549</p> <p>By: JANE E. BOCKUS, ESQ.</p> <p>6 jbockus@dykema.com</p> <p>7 - and -</p> <p>8 COUGHLIN DUFFY LLP</p> <p>350 Mount Kemble Avenue</p> <p>9 Morristown, New Jersey 07962</p> <p>Telephone: (973) 267-0058</p> <p>10 By: MARYAM M. MESEHA, ESQ.</p> <p>mmeseha@coughlinduffy.com</p> <p>11</p> <p>12 ON BEHALF OF THE DEFENDANT</p> <p>PERSONAL CARE PRODUCTS COUNCIL:</p> <p>13</p> <p>14 SEYFARTH SHAW LLP</p> <p>975 F Street, N.W.</p> <p>Washington, DC 20004-1454</p> <p>15 Telephone: (202) 463-2400</p> <p>By: JAMES R. BILLINGS-KANG, ESQ.</p> <p>16 jbillingskang@seyfarth.com</p> <p>17</p> <p>18 ON BEHALF OF THE DEFENDANT PTI:</p> <p>19 TUCKER ELLIS</p> <p>233 South Wacker Drive</p> <p>20 Chicago, Illinois 60606</p> <p>Telephone: (312) 624-6300</p> <p>21 By: JAMES W. MIZGALA, ESQ.</p> <p>james.mizgala@tuckerellis.com</p> <p>22</p> <p>23 VIDEOGRAPHER:</p> <p>24 Brad Smith</p> <p>25</p>	<p>1 INDEX OF EXHIBITS (Continued)</p> <p>2 NUMBER DESCRIPTION MARKED</p> <p>3 Exhibit 9 Article titled "Emerging Themes 36</p> <p>in Epidemiology," by Fedak et al.</p> <p>4</p> <p>Exhibit 10 Folder marked "ASBESTOS OV CA" 37</p> <p>5</p> <p>Exhibit 11 Folder marked "EPI" 47</p> <p>6</p> <p>Exhibit 12 Folder titled "ANIMALS" 49</p> <p>7</p> <p>Exhibit 13 Folder titled "LATENCY" 51</p> <p>8</p> <p>Exhibit 14 Folder titled "ASBESTOS FIBROUS 53</p> <p>9 TALK LONGO, ETC"</p> <p>10 Exhibit 15 Exhibit A: Curriculum Vitae of 54</p> <p>Daniel Lyle Clarke-Pearson, M.D.</p> <p>11</p> <p>Exhibit 16 Article titled "Spectrum of 99</p> <p>12 Mutation and Frequency of Allelic</p> <p>Deletion of the p53 Gene in</p> <p>13 Ovarian Cancer," by Matthew F.</p> <p>Kohler, et al.</p> <p>14</p> <p>Exhibit 17 Article titled "Screening for 102</p> <p>15 Ovarian Cancer," published by</p> <p>Daniel L. Clarke-Pearson, M.D.,</p> <p>16 in The New England Journal of</p> <p>Medicine</p> <p>17</p> <p>Exhibit 18 Article from the National 110</p> <p>18 Cancer Institute website titled</p> <p>"Ovarian, Fallopian Tube, and</p> <p>19 Primary Peritoneal Cancer</p> <p>Prevention (PDQ®) - Health</p> <p>20 Professional Version"</p> <p>21 Exhibit 19 Letter from FDA Department of 113</p> <p>Health and Human Services, dated</p> <p>22 April 1, 2014, to Samuel S.</p> <p>Epstein, M.D.</p> <p>23</p> <p>Exhibit 20 International Agency for 124</p> <p>24 Research on Cancer printout</p> <p>listing agents classified by the</p> <p>25 IARC Monographs, Volumes 1-123</p>

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Daniel L. Clarke-Pearson, M.D.

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INDEX OF EXHIBITS (Continued)

NUMBER	DESCRIPTION	MARKED
Exhibit 21	Article titled "Perineal Use of . . . 136 Talc and Risk of Ovarian Cancer," by H. Langseth, et al.	
Exhibit 22	Article titled "Genital Use of . . . 152 Talc and Risk of Ovarian Cancer: A Meta-Analysis," by Wera Berge, et al.	
Exhibit 23	Ovid SP printout of article 152 titled "Genital Use of Talc and Risk of Ovarian Cancer: A Meta-Analysis," by Wera Berge, et al.	
Exhibit 24	Article titled "Perineal Talc 153 Use and Ovarian Cancer A Systematic Review and Meta-Analysis," by Ross Penninkilampi and Guy D. Eslick	
Exhibit 25	Article titled "Association 159 between Body Powder Use and Ovarian Cancer: The African American Cancer Epidemiology Study (AACES)," by Joellen M. Schildkraut, et al.	
Exhibit 26	Article titled "The Association . . . 190 Between Talc Use and Ovarian Cancer A Retrospective Case-Control Study in Two US States," by Daniel W. Cramer, et al.	
Exhibit 27	Article titled "The 230 Relationship Between Perineal Cosmetic Talc Usage and Ovarian Talc Particle Burden," by Debra S. Heller, MD, et al.	

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PROCEEDINGS

THE VIDEOGRAPHER: We are now on
record. Today's date is February 4, 2019, and the
time is approximately 9:03 a.m.

This is the videotaped deposition of
Dr. Daniel Clarke-Pearson. It's being taken in
regards to the Talcum Powder Litigation, MDL No. 2738.

Would counsel please now introduce
themselves for the record, and then our court reporter
will swear in the witness.

MS. O'DELL: Leigh O'Dell from
Beasley Allen, on behalf of the plaintiffs.

MS. THOMPSON: Margaret Thompson,
Beasley Allen, on behalf of the plaintiffs.

MS. BROWN: Paula Brown from Blood,
Hurst & O'Reardon, on behalf of the plaintiffs.

MR. ZELLERS: Michael Zellers, on
behalf of the Johnson & Johnson defendants.

MS. BRENNAN: Jessica Brennan, on
behalf of the Johnson & Johnson defendants.

MR. BILLINGS-KANG: James
Billings-Kang, Seyfarth Shaw, on behalf of Personal
Care Products Council.

MS. BOCKUS: Jane Bockus, on behalf of
Imerys.

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INDEX OF EXHIBITS (Continued)

NUMBER	DESCRIPTION	MARKED
Exhibit 28	Article titled "Talcum Powder, . . . 238 Chronic Pelvic Inflammation and NSAIDs in Relation to Risk of Epithelial Ovarian Cancer," by Melissa A. Merritt, et al.	
Exhibit 29	Health Canada Decision-Making 292 Framework for Identifying, Assessing, and Managing Health Risks, dated August 1, 2000	
Exhibit 30	Systematic Review and 300 Meta-Analysis of the Association between Perineal Use of Talc and Risk of Ovarian Cancer, by Mohamed Kadry Taher, et al.	

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MS. MESEHA: Maryam Mescha, on behalf
of Imerys.

MR. MIZGALA: James Mizgala, on behalf
of PTL.

Whereupon,

DANIEL L. CLARKE-PEARSON, MD,
having first been duly sworn/affirmed,
was examined and testified as follows:

EXAMINATION BY COUNSEL FOR THE
JOHNSON & JOHNSON DEFENDANTS

BY MR. ZELLERS:

Q. Can you state your name, please.

A. Yes. Daniel Lyle Clarke-Pearson.

Q. Dr. Clarke-Pearson, we're here to take your
deposition in the talcum powder MDL litigation.

You're aware of that?

A. Yes, sir.

Q. You've given a number of depositions in the
past; is that right?

A. I have.

Q. You are familiar with the rules that we're
going to follow here today?

A. Yes.

Q. If I ask you a question or if any counsel
asks you a question that you don't understand, tell us

3 (Pages 6 to 9)

Daniel L. Clarke-Pearson, M.D.

<p style="text-align: right;">Page 130</p> <p>1 BY MR. ZELLERS:</p> <p>2 Q. I take it that's no to my question. Is that</p> <p>3 right? And I'll ask it again if you'd like me to.</p> <p>4 MS. O'DELL: Object to the form.</p> <p>5 I think he answered your question.</p> <p>6 THE WITNESS: I'm not aware that it's a</p> <p>7 strong association or a weak association. It's a</p> <p>8 statistically significant association.</p> <p>9 BY MR. ZELLERS:</p> <p>10 Q. You cannot point me to any peer-reviewed</p> <p>11 literature on talc and ovarian cancer that states that</p> <p>12 1.3 is a strong association; correct?</p> <p>13 MS. O'DELL: Object to the form. Asked</p> <p>14 and answered.</p> <p>15 THE WITNESS: That's correct.</p> <p>16 BY MR. ZELLERS:</p> <p>17 Q. IARC does not refer to this as a strong</p> <p>18 association; correct?</p> <p>19 A. I'm not familiar with what IARC says.</p> <p>20 Q. FDA does not refer to this as a strong</p> <p>21 association; correct?</p> <p>22 A. I'm not aware.</p> <p>23 Q. The National Cancer Institute does not refer</p> <p>24 to this as a strong association; correct?</p> <p>25 A. I'm not aware what they said about strong or</p>	<p style="text-align: right;">Page 132</p> <p>1 MS. O'DELL: Object to the form.</p> <p>2 THE WITNESS: I'm not sure that</p> <p>3 question --</p> <p>4 BY MR. ZELLERS:</p> <p>5 Q. I thought it was a good question. I can try</p> <p>6 to do it again, but, did you not understand that</p> <p>7 question?</p> <p>8 A. I think what you're trying to get at is does</p> <p>9 talcum powder have equal carcinogenic effect resulting</p> <p>10 in different types of epithelial ovarian cancers?</p> <p>11 Q. Yes.</p> <p>12 A. Okay. So different types of epithelial</p> <p>13 ovarian cancers are separated into several -- and we</p> <p>14 believe there are several different mechanisms that</p> <p>15 cause them. So in the past, they've been lumped into</p> <p>16 epithelial ovarian cancers; but, in fact, the biology</p> <p>17 of mucinous tumors -- cancers -- are different than</p> <p>18 serous cancers.</p> <p>19 Based on the epidemiologic evidence that</p> <p>20 I've seen, there is a preponderance of impact on women</p> <p>21 that have serous carcinomas of the ovary, which is the</p> <p>22 most common ovarian cancer; and because it is the most</p> <p>23 common, it's more likely we're going to see a</p> <p>24 statistical association as opposed to a rarer cancer</p> <p>25 like a mucinous cancer.</p>
<p style="text-align: right;">Page 131</p> <p>1 weak.</p> <p>2 Q. Do your opinions on causation and strength of</p> <p>3 association apply equally to all forms of ovarian</p> <p>4 cancer?</p> <p>5 A. No.</p> <p>6 Q. Are you able to break down your opinion with</p> <p>7 respect to ovarian cancer?</p> <p>8 A. Yeah. So there are three types of ovarian</p> <p>9 cancer: germ cell, sex cord-stromal, and epithelial</p> <p>10 ovarian cancers. I have no evidence that sex</p> <p>11 cord-stromal tumors or germ cell tumors are associated</p> <p>12 with the use of talcum powder, although they are rare</p> <p>13 cancers, so it would take much larger populations to</p> <p>14 really fully investigate that issue.</p> <p>15 Q. Do you -- strike that.</p> <p>16 Does your opinion on strength of association</p> <p>17 and causation apply equally to all forms of epithelial</p> <p>18 ovarian cancer?</p> <p>19 A. Reading the literature, it appears that there</p> <p>20 is some variation in terms of impact that talcum</p> <p>21 powder might have on some forms of ovarian cancer.</p> <p>22 Q. Tell us what your opinions with the different</p> <p>23 subtypes of epithelial ovarian cancer and whether or</p> <p>24 not they are either a risk factor or a causative</p> <p>25 factor for ovarian cancer.</p>	<p style="text-align: right;">Page 133</p> <p>1 So that is my answer to your question.</p> <p>2 Q. Do your opinions as to talcum powder used in</p> <p>3 the perineal area being a risk factor and/or a</p> <p>4 causative factor for serous ovarian cancer also apply</p> <p>5 to mucinous ovarian cancer?</p> <p>6 A. I think the association is weaker for</p> <p>7 mucinous.</p> <p>8 Q. How about for endometrioid?</p> <p>9 A. I think some studies have suggested</p> <p>10 endometrioid is increased risk with talcum powder.</p> <p>11 Q. Is it weaker?</p> <p>12 A. Is it weaker?</p> <p>13 Q. Than serous.</p> <p>14 A. Than serous? I'm not certain of that.</p> <p>15 Q. Clear cell, is it weaker than serous?</p> <p>16 A. I'm not certain of that because clear cell is</p> <p>17 a very rare cancer.</p> <p>18 Q. On page 8 of your report, you say that</p> <p>19 (as read):</p> <p>20 "The strength of association</p> <p>21 between talcum powder and ovarian</p> <p>22 cancer is critically important</p> <p>23 because of severity and frequency</p> <p>24 of ovarian cancer."</p> <p>25 Is that right?</p>

34 (Pages 130 to 133)

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1 of having ovarian cancer. I'm not aware of any study	1 E R R A T A
2 that's been able to investigate that to date.	2 CASE NAME: TALCUM POWDER LITIGATION MDL NO. 2738CASE
3 BY MS. BOCKUS:	3 WITNESS NAME: DANIEL L. CLARKE-PEARSON, M.D.
4 Q. That is something that could be investigated;	4 CASE NUMBER: 16-2738 (FLW)(LHG)
5 correct?	5 PAGE LINE READS SHOULD READ
6 MS. O'DELL: Object to the form.	6 _____
7 THE WITNESS: In a case-control study,	7 _____
8 yes.	8 _____
9 BY MS. BOCKUS:	9 _____
10 Q. But to your knowledge, it's never been	10 _____
11 reported; correct?	11 _____
12 A. Not that I'm aware of.	12 _____
13 MS. BOCKUS: That's all I have.	13 _____
14 THE WITNESS: Thank you, everybody.	14 _____
15 MR. ZELLERS: Thank you, Doctor.	15 _____
16 THE VIDEOGRAPHER: Just one second.	16 _____
17 This concludes the deposition of Dr. Daniel	17 _____
18 Clarke-Pearson. Time going off the record is	18 _____
19 5:44 p.m.	19 _____
20 (Whereupon, at 5:44 p.m., the deposition ceased.	20 _____
21 Signature was reserved.)	21 _____
22	22 _____
23	23 _____
24	24 _____
25	25 _____
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1 ACKNOWLEDGMENT OF DEPONENT	1 STATE OF NORTH CAROLINA)
2 I, DANIEL L. CLARKE-PEARSON, M.D., do hereby	2) C E R T I F I C A T E
3 acknowledge that I have read and examined the foregoing	3 COUNTY OF ORANGE)
4 testimony, and the same is a true, correct, and complete	4 I, Sophie Brock, Court Reporter and Notary
5 transcription of the testimony given by me, and any	5 Public, the officer before whom the foregoing proceeding
6 corrections appear on the attached errata sheet signed	6 was conducted, do hereby certify that the witness(es)
7 by me.	7 whose testimony appears in the foregoing proceeding were
8	8 duly sworn by me; that the testimony of said witness(es)
9	9 were taken by me to the best of my ability and
10 _____	10 thereafter transcribed under my supervision; and that
11 (DATE) (SIGNATURE)	11 the foregoing pages, inclusive, constitute a true and
12	12 accurate transcription of the testimony of the
13	13 witness(es).
14	14 I do further certify that I am neither counsel
15	15 for, related to, nor employed by any of the parties to
16	16 this action, and further, that I am not a relative or
17	17 employee of any attorney or counsel employed by the
18	18 parties thereof, nor financially or otherwise interested
19	19 in the outcome of said action.
20	20 This, the 6th day of February, 2019.
21	21
22	22
23	23 _____
24	24 Sophie Brock, RPR, RMR, RDR, CRR
25	25 Notary Number: 200834000001